

REMARKS

Claims 1, 2, 5, 8-11, 14, 17 and 18 are pending in this application. Claims 2, 5, 11 and 14 are canceled without prejudice or disclaimer, and claims 1 and 10 are amended herein. Upon entry of this amendment, claims 1, 8-10, 17 and 18 will be pending. Entry of this amendment and reconsideration of the rejections are respectfully requested.

No new matter has been introduced by this Amendment. Support for the amendments to the claims is discussed below.

Claims 1, 2, 5, 8-11, 14, 17 and 18 are rejected under 35 U.S.C. '103(a) as being unpatentable over Tomioka (U.S. Pat. No. 5,079,030) in view of Carpenter (U.S. Pat. No. 5,320,673) and Takashi et al. (JP Pub. No. 2001-149857) and Noritake et al. (JP 2003-117481).
(Office action paragraph no. 1)

Reconsideration of the rejection is respectfully requested in view of the amendments to the claims.

Claim 1 has been amended to recite: “wherein the aqueous luster thermosetting base coating compositions (A) and (C) each comprise a water-soluble or water-dispersible, crosslinkable functional group-containing resin, a crosslinking agent and a flaky luster pigment.” Support for his amendment may be found in claims 2 and 5, which are canceled herein without prejudice or disclaimer.

In addition, claim 1 has been amended to recite: “wherein the flaky luster pigment has a mean particle diameter of about 5 to about 50 μ m and the mean thickness of the flaky luster pigment

is about 0.01 to about 2 μm .” Support for this amendment may be found, for example, at page 12, lines 29 to 32, of the specification.

Claim 10 has been similarly amended to incorporate the limitations of claims 11 and 14, which have been canceled herein without prejudice or disclaimer. Claim 10 has also been amended similarly to claim 1 to limit the mean particle diameter and the mean thickness of the flaky luster pigment to about 5 to about 50 μm and about 0.01 to about 2 μm , respectively, as supported by page 12, lines 29 to 32, of the specification.

Applicant generally maintains the arguments presented in the Response of October 20, 2010, but has amended to claims to respond to some of the remarks in box 11 of the Advisory action of October 28, 2010. Applicant here discusses the remarks in box 11 of the Advisory action.

Regarding the coating layers

In box 11 of the Advisory action, the Examiner remarks on the Response filed on October 20, 2010, and disagrees with Applicant’s assertion that the term “substrate” in the claims must be understood to not already have a layer of coating composition (A). The Examiner states:

“... if this was the case then the applicants themselves could not lay down a coating to a substrate in two to five stages, because the second and further stages would not be applied to a substrate”

However, Applicant respectfully submits that this is an incorrect semantic argument on the part of the Examiner. First of all, claim 1, step 1, does not state that each of the two to five stages represents forming a coating layer on a “substrate.” Clearly the second to fifth stages place a layer on the previous layer.

Moreover, Applicant submits that the recitation of “two to five stages” of coating would be clearly understood by one of skill in the art to mean that the result of this step is two to five layers of coating on the substrate. This wording would be understood to exclude the possibility of additional steps providing additional coating layers.

Regarding the Declaration under 37 CFR 1.132

In box 11 of the Advisory action the Examiner states that the data in the Declaration are not commensurate in scope with the claims, because the Declaration only provides data for particular thermosetting base coatings and thermosetting clear coatings.

In response, claims 1 and 10 have been amended herein to incorporate the limitations that the aqueous luster thermosetting base coating compositions (A) and (C) each comprise a water-soluble or water-dispersible, crosslinkable functional group-containing resin, a crosslinking agent and a flaky luster pigment. In addition, the claims have been amended to recite that the flaky luster pigment has a mean particle diameter of about 5 to about 50 μm and the mean thickness of the flaky luster pigment is about 0.01 to about 2 μm .

Applicant submits that, with the above amendment, the data in the Declaration are commensurate in scope with the claims.

Pending claims 1, 8-10, 17 and 18, as amended, are therefore not obvious over the cited references, taken individually or in combination.

U.S. Patent Application Serial No. **10/576,193**

Amendment filed December 20, 2010

Reply to OA dated June 22, 2010

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicant's undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

KRATZ, QUINTOS & HANSON, LLP



Daniel A. Geselowitz, Ph.D.

Agent for Applicant

Reg. No. 42,573

DAG/xl

Atty. Docket No. **060321**

Suite 400

1420 K Street, N.W.

Washington, D.C. 20005

(202) 659-2930



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Enclosures: Request for Continued Examination (RCE)
Petition for Extension of Time